

JOURNAL OF THE HOUSE

EIGHTY-SEVENTH SESSION

TENTH DAY

STATE OF SOUTH DAKOTA
House of Representatives, Pierre
Thursday, January 26, 2012

The House convened at 2:00 p.m., pursuant to adjournment, the Speaker presiding.

The prayer was offered by the Chaplain, Pastor Mercy Hobbs, followed by the Pledge of Allegiance led by House pages Melissa Hessman and Sandra Yoon.

Roll Call: All members present except Reps. Vanneman and White who were excused.

APPROVAL OF THE JOURNAL

MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that the Chief Clerk of the House has had under consideration the House Journal of the ninth day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,
Val Rausch, Chair

Which motion prevailed.

The House of Representatives recognized Stephanie Uher who served the 2012 Legislature as a computer intern.

REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

The Committee on Agriculture and Natural Resources respectfully reports that it has had under consideration HB 1018, 1036, and 1037 and returns the same with the recommendation that said bills do pass and be placed on the consent calendar.

Respectfully submitted,
Charlie Hoffman, Vice Chair

Also MR. SPEAKER:

The Committee on Appropriations respectfully reports that it has had under consideration HB 1040, 1042, 1043, and 1044 and returns the same with the recommendation that said bills do pass.

Also MR. SPEAKER:

The Committee on Appropriations respectfully reports that it has had under consideration HB 1041 and returns the same with the recommendation that said bill be amended as follows:

1041ma

On page 1 of the printed bill, delete lines 4 to 9, inclusive, and insert:

" Section 1. Notwithstanding the provisions of §§ 4-8-19, 13-37-40, and 13-37-45, any unencumbered funds appropriated from the state general fund by subdivision (3) of section 12 of chapter 23 of the 2011 Session Laws for state aid to special education, equal to an amount necessary to meet the federal maintenance of effort requirement, shall be carried forward to fiscal year 2013."

1041mta

On page 1, line 1, of the printed bill, delete everything after "authorize" and insert "a carryover of the fiscal year 2012 state aid to special education appropriation to fiscal year 2013 for the purpose of maintaining federal maintenance of effort levels."

On page 1, delete line 2.

1 And that as so amended said bill do pass.

2 Respectfully submitted,
3 Dean Wink, Chair

4 Also MR. SPEAKER:

5 The Committee on Health and Human Services respectfully reports that it has had under
6 consideration HB 1026 and 1027 and returns the same with the recommendation that said bills
7 do pass and be placed on the consent calendar.

8 Also MR. SPEAKER:

9 The Committee on Health and Human Services respectfully reports that it has had under
10 consideration HB 1171 and returns the same with the recommendation that said bill be amended
11 as follows:

12 1171jb

13 On page 1, line 8, of the printed bill, delete "shall" and insert "may".

14 On page 2, line 8, delete ", which shall provide staff assistance to the board".

15 On page 2, line 14, after "emerging" insert "complementary".

16 1171jc

17 On page 2, line 14, of the printed bill, delete "The" and insert "With approval by the
18 Legislature, the".

19 And that as so amended said bill do pass.

20 Also MR. SPEAKER:

21 The Committee on Health and Human Services respectfully reports that it has had under
22 consideration HB 1177 and returns the same with the recommendation that said bill be amended
23 as follows:

1 1177jb

2 On page 1 of the printed bill, delete lines 6 to 12, inclusive, and insert:

3 " The parent of a child expected to be born during, or immediately prior to, the scheduled
4 jury duty or a mother breastfeeding a baby younger than one year may submit a written request
5 for an exemption from jury duty to the clerk of court within ten days of receiving the summons
6 for jury duty. A parent who gives written notice shall be exempt from jury duty if the baby is
7 less than six weeks old. A mother shall be exempt from jury duty if she is breastfeeding a baby
8 younger than one year."

9 1177jtb

10 On page 1, line 1, of the printed bill, delete "postpone jury duty for" and insert "exempt
11 breastfeeding mothers or new parents from jury duty."

12 On page 1, delete line 2.

13 And that as so amended said bill do pass and be placed on the consent calendar.

14 Respectfully submitted,
15 Jamie Boomgarden, Chair

16 Also MR. SPEAKER:

17 The Committee on Transportation respectfully reports that it has had under consideration
18 HB 1170 and returns the same with the recommendation that said bill do pass.

19 Also MR. SPEAKER:

20 The Committee on Transportation respectfully reports that it has had under consideration
21 HB 1154 and returns the same with the recommendation that said bill be amended as follows:

22 1154fa

23 On page 1, line 9, of the printed bill, after "road" delete "district".

24 And that as so amended said bill do pass.

1 Also MR. SPEAKER:

2 The Committee on Transportation respectfully reports that it has had under consideration
3 HB 1104 which was deferred to the 41st Legislative Day.

4 Respectfully submitted,
5 David Novstrup, Vice Chair

6 Also MR. SPEAKER:

7 The Committee on Taxation respectfully reports that it has had under consideration
8 HB 1075 and 1078 and returns the same with the recommendation that said bills do pass.

9 Also MR. SPEAKER:

10 The Committee on Taxation respectfully reports that it has had under consideration SB 18
11 and returns the same with the recommendation that said bill do pass and be placed on the
12 consent calendar.

13 Also MR. SPEAKER:

14 The Committee on Taxation respectfully reports that it has had under consideration
15 HB 1101 and 1180 which were deferred to the 41st Legislative Day.

16 Respectfully submitted,
17 Mark K. Willadsen, Chair

18 Also MR. SPEAKER:

19 The Committee on Local Government respectfully reports that it has had under
20 consideration HB 1057, 1077, and 1094 and returns the same with the recommendation that said
21 bills do pass.

22 Also MR. SPEAKER:

23 The Committee on Local Government respectfully reports that it has had under
24 consideration HB 1076 and returns the same with the recommendation that said bill be amended
25 as follows:

1 1076fa

2 On page 1, line 6, of the printed bill, delete "tenure" and insert "term".

3 And that as so amended said bill do pass and be placed on the consent calendar.

4 Also MR. SPEAKER:

5 The Committee on Local Government respectfully reports that it has had under
6 consideration HB 1088 and returns the same with the recommendation that said bill be amended
7 as follows:

8 1088fa

9 On page 1, line 8, of the printed bill, delete ". In" and insert "in".

10 On page 2, line 2, overstrike "shall" and insert "may".

11 And that as so amended said bill do pass and and be placed on the consent calendar.

12 Respectfully submitted,
13 Mark Kirkeby, Chair

14 **MESSAGES FROM THE SENATE**

15 MR. SPEAKER:

16 I have the honor to transmit herewith SB 15, 16, 17, 20, 30, 39, 41, and 43 which have
17 passed the Senate and your favorable consideration is respectfully requested.

18 Respectfully,
19 Fee Jacobsen, Secretary

20 **CONSIDERATION OF REPORTS OF COMMITTEES**

21 Rep. Lust moved that the report of the Standing Committee on

22 Education on HB 1005 as found on pages 207 and 208 of the House Journal be adopted.

23 Which motion prevailed.

1 **FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

2 HB 1242 Introduced by: Representatives Abdallah, Dennert, Feickert, Feinstein, Gibson,
3 Gosch, Hubbel, Kirkeby, Kirschman, Lucas, Moser, Munsterman, Sigdestad, Street, Turbiville,
4 and Wismer and Senators Krebs, Bradford, Cutler, Fryslie, Holien, Maher, Nelson (Tom), and
5 Putnam

6 FOR AN ACT ENTITLED, An Act to revise the general appropriations act for fiscal year
7 2012 and to declare an emergency.

8 Was read the first time and referred to the Committee on Appropriations.

9 HB 1243 Introduced by: Representative Greenfield

10 FOR AN ACT ENTITLED, An Act to require that notice be provided before certain
11 drainage activities are undertaken.

12 Was read the first time and referred to the Committee on Local Government.

13 HB 1244 Introduced by: Representative Greenfield

14 FOR AN ACT ENTITLED, An Act to make an appropriation to the state aeronautics fund.

15 Was read the first time and referred to the Committee on Appropriations.

16 HB 1245 Introduced by: Representatives Greenfield, Hansen (Jon), Russell, Tulson, and
17 Venner and Senator Maher

18 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the suspension
19 of a driver license for certain alcoholic beverage violations.

20 Was read the first time and referred to the Committee on Commerce and Energy.

21 HB 1246 Introduced by: Representatives Feinstein, Blake, Haggar, Hawley, Hickey, Iron
22 Cloud III, Jensen, Jones, Lucas, Magstadt, Sly, Steele, and Stricherz and Senators Buhl and
23 Schlekeway

24 FOR AN ACT ENTITLED, An Act to prohibit the use of bisphenol A in certain products.

25 Was read the first time and referred to the Committee on Health and Human Services.

1 HB 1247 Introduced by: Representatives Abdallah, Gosch, Hawley, Kirkeby, Novstrup
2 (David), and Willadsen and Senators Rhoden, Cutler, and Peters

3 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the voting rights
4 of persons convicted of a felony or serving time in the state penitentiary.

5 Was read the first time and referred to the Committee on Judiciary.

6 HB 1248 Introduced by: Representatives Olson (Betty), Gosch, Hubbel, Kirkeby, Kopp,
7 Nelson (Stace), Russell, Tornow, and Verchio and Senators Rhoden and Maher

8 FOR AN ACT ENTITLED, An Act to provide for exceptions from certain misdemeanor
9 offenses relating to possession of handguns.

10 Was read the first time and referred to the Committee on Judiciary.

11 HB 1249 Introduced by: Representatives Nelson (Stace), Hubbel, Kirschman, Kloucek,
12 Kopp, Russell, Schrempp, Tornow, Verchio, and Wick and Senators Holien, Kraus, Maher,
13 Novstrup (Al), and Rhoden

14 FOR AN ACT ENTITLED, An Act to permit a probationer who is a registered sex
15 offender to reside in an assigned halfway house or supervised living center within a community
16 safety zone and to prohibit sex offenders who committed sexual offenses against children to
17 qualify for certain residency exceptions.

18 Was read the first time and referred to the Committee on Judiciary.

19 HB 1250 Introduced by: Representatives Feickert, Kirschman, Sigdestad, Tulson, and
20 Verchio and Senators Hundstad, Frerichs, and Maher

21 FOR AN ACT ENTITLED, An Act to permit counties and townships to levy a capital
22 improvement property tax for highways, secondary roads, bridges, and culverts.

23 Was read the first time and referred to the Committee on Local Government.

24 HB 1251 Introduced by: Representative Kopp

25 FOR AN ACT ENTITLED, An Act to provide for the award of joint physical custody of
26 children under certain circumstances.

27 Was read the first time and referred to the Committee on Judiciary.

1 HB 1252 Introduced by: Representatives Gibson, Blake, Boomgarden, Gosch, Killer,
2 Schrempp, and Wismer and Senators Bradford and Maher

3 FOR AN ACT ENTITLED, An Act to require the placement of fluorescent orange material
4 on certain big game hunting blinds.

5 Was read the first time and referred to the Committee on Agriculture and Natural
6 Resources.

7 HB 1253 Introduced by: Representative Hunt

8 FOR AN ACT ENTITLED, An Act to prohibit the judicial enforcement of any religious
9 codes.

10 Was read the first time and referred to the Committee on Judiciary.

11 HB 1254 Introduced by: Representatives Hunt, Brunner, Cronin, Greenfield, Haggar,
12 Hansen (Jon), Hubbel, Jensen, Kloucek, Miller, Nelson (Stace), Olson (Betty), Sly, Stricherz,
13 Van Gerpen, and Wick and Senators Kraus, Brown, Heineman, Hunhoff (Jean), Krebs, and
14 Schlekeway

15 FOR AN ACT ENTITLED, An Act to revise certain provisions pertaining to the decision
16 of a pregnant mother considering termination of her relationship with her child by an abortion,
17 to establish certain procedures to insure that such decisions are voluntary, uncoerced, and
18 informed, and to revise certain causes of action for professional negligence relating to
19 performance of an abortion.

20 Was read the first time and referred to the Committee on Judiciary.

21 HB 1255 Introduced by: Representatives Hunt, Brunner, Hansen (Jon), and Van Gerpen
22 and Senator Kraus

23 FOR AN ACT ENTITLED, An Act to prohibit the enforcement of surrogacy arrangements.

24 Was read the first time and referred to the Committee on Judiciary.

25 HB 1256 Introduced by: Representatives Kloucek, Feickert, Schaefer, Schrempp, and
26 Sigdestad and Senators Hundstad and Frerichs

27 FOR AN ACT ENTITLED, An Act to repeal the contractor's excise tax.

28 Was read the first time and referred to the Committee on Taxation.

1 HB 1257 Introduced by: Representative Kloucek at the request of the Constituents

2 FOR AN ACT ENTITLED, An Act to provide for the disposal of the Napa Junction to
3 Platte segment of the state-owned rail system.

4 Was read the first time and referred to the Committee on Transportation.

5 HB 1258 Introduced by: Representatives Russell, Hubbel, Jensen, Kopp, Liss, and Nelson
6 (Stace) and Senators Begalka, Lederman, Maher, and Sutton

7 FOR AN ACT ENTITLED, An Act to clarify certain statutes prohibiting political
8 subdivisions from restricting firearms.

9 Was read the first time and referred to the Committee on Taxation.

10 HB 1259 Introduced by: Representatives Hubbel, Jensen, Magstadt, Olson (Betty), Russell,
11 and Venner and Senators Maher and Begalka

12 FOR AN ACT ENTITLED, An Act to provide an exception to vaccination requirements
13 for personal beliefs.

14 Was read the first time and referred to the Committee on Health and Human Services.

15 HB 1260 Introduced by: Representatives Hubbel, Jensen, Magstadt, Nelson (Stace), Olson
16 (Betty), Schaefer, and Venner and Senators Begalka and Maher

17 FOR AN ACT ENTITLED, An Act to repeal the authority the director of the Division of
18 Insurance has to promulgate rules governing use of genetic information and to enact certain
19 provisions regarding the use of genetic information.

20 Was read the first time and referred to the Committee on Health and Human Services.

21 HB 1261 Introduced by: Senators Adelstein, Brown, Haverly, Lederman, Maher, Nelson
22 (Tom), Peters, Rampelberg, and Rhoden and Representatives Brunner, Cronin, Hansen (Jon),
23 Kirkeby, Liss, Olson (Betty), Tornow, Turbiville, and Willadsen

24 FOR AN ACT ENTITLED, An Act to prohibit collective bargaining by public employees.

25 Was read the first time and referred to the Committee on State Affairs.

1 HB 1262 Introduced by: Representatives Romkema, Tulson, and Turbiville and Senator
2 Nelson (Tom)

3 FOR AN ACT ENTITLED, An Act to provide a license for certain small scale mechanized
4 mining operations.

5 Was read the first time and referred to the Committee on Agriculture and Natural
6 Resources.

7 HB 1263 Introduced by: Representatives Deelstra, Abdallah, Hansen (Jon), Jensen,
8 Munsterman, Nelson (Stace), and Russell and Senators Peters, Cutler, Haverly, and Novstrup
9 (Al)

10 FOR AN ACT ENTITLED, An Act to provide for mandatory HIV testing for any person
11 convicted of prostitution or solicitation of prostitution and to provide for appropriate utilization
12 of the test results.

13 Was read the first time and referred to the Committee on Health and Human Services.

14 HB 1264 Introduced by: Representatives Sly, Abdallah, Cronin, Dryden, Fargen,
15 Greenfield, Hansen (Jon), Hoffman, Hunhoff (Bernie), Kirkeby, Lust, Magstadt, Moser, Nelson
16 (Stace), Rozum, Street, Turbiville, Verchio, and Wick and Senators Schlekeway, Begalka,
17 Brown, Fryslie, Hunhoff (Jean), Kraus, Lederman, Putnam, Rampelberg, Rhoden, and
18 Tidemann

19 FOR AN ACT ENTITLED, An Act to amend the mandatory reporting requirements
20 regarding child abuse.

21 Was read the first time and referred to the Committee on Judiciary.

22 HB 1265 Introduced by: Representative Fargen and Senator Olson (Russell)

23 FOR AN ACT ENTITLED, An Act to expand the scope of the Governor's house program.

24 Was read the first time and referred to the Committee on State Affairs.

25 HB 1266 Introduced by: Representatives Tulson, Gosch, Hubbel, Jensen, Magstadt, Moser,
26 Rausch, Venner, and Wick and Senators Rhoden, Begalka, and Novstrup (Al)

27 FOR AN ACT ENTITLED, An Act to reduce the period of time necessary to cure and
28 validate certain adoption proceedings.

29 Was read the first time and referred to the Committee on Judiciary.

1 HB 1267 Introduced by: Representatives Stricherz, Conzet, Gibson, Haggar, Hickey,
2 Hubbel, Magstadt, Miller, Rozum, and Van Gerpen and Senator Buhl

3 FOR AN ACT ENTITLED, An Act to provide for the establishment and maintenance of
4 a felony domestic violence registry and to provide certain penalties for the violation thereof.

5 Was read the first time and referred to the Committee on Judiciary.

6 HB 1268 Introduced by: Representatives Kirkeby, Brunner, Deelstra, Hickey, Hubbel,
7 Kopp, Munsterman, Olson (Betty), Venner, and Verchio and Senators Lederman, Maher, and
8 Rampelberg

9 FOR AN ACT ENTITLED, An Act to require certain persons applying or receiving certain
10 Medicaid financial aid or assistance from the state to submit to drug tests to check for use of
11 controlled substances.

12 Was read the first time and referred to the Committee on Health and Human Services.

13 HB 1269 Introduced by: The Committee on Appropriations at the request of the Office of
14 the Governor

15 FOR AN ACT ENTITLED, An Act to make an appropriation for certain costs related to
16 disasters and to pine beetle suppression and to declare an emergency.

17 Was read the first time and referred to the Committee on Appropriations.

18 HB 1270 Introduced by: The Committee on Appropriations at the request of the Office of
19 the Governor

20 FOR AN ACT ENTITLED, An Act to revise the time period for which unclaimed property
21 is presumed abandoned and to revise certain provisions regarding the publication notice of
22 unclaimed property.

23 Was read the first time and referred to the Committee on Appropriations.

24 HB 1271 Introduced by: Representative Gosch and Senator Cutler

25 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to insurance
26 policies.

27 Was read the first time and referred to the Committee on State Affairs.

1 HB 1272 Introduced by: Representatives Haggar, Bolin, Hansen (Jon), Kirkeby,
2 Kirschman, Moser, Munsterman, Vanneman, and Wick and Senators Lederman, Begalka,
3 Hansen (Tom), Juhnke, and Maher

4 FOR AN ACT ENTITLED, An Act to allow the sale of health benefit plans approved in
5 select other states to be sold in South Dakota and to grant the director authority to pursue a
6 multi-state consortium to grant automatic reciprocity for the sale of health benefit plans
7 approved by the participating consortium states.

8 Was read the first time and referred to the Committee on Commerce and Energy.

9 HB 1273 Introduced by: Representatives Haggar, Abdallah, Conzet, Gosch, Hansen (Jon),
10 Magstadt, Turbiville, and Wick and Senators Holien, Brown, Novstrup (Al), and Rave

11 FOR AN ACT ENTITLED, An Act to prohibit the sale of loose leaf incense to minors, to
12 prohibit certain marketing techniques, to regulate the sale of certain types of incense, and to
13 provide penalties therefor.

14 Was read the first time and referred to the Committee on Judiciary.

15 HB 1274 Introduced by: Representative Hansen (Jon)

16 FOR AN ACT ENTITLED, An Act to revise the distance within which a school district
17 may charge a fee for providing bus transportation to students.

18 Was read the first time and referred to the Committee on Transportation.

19 HJR 1008 Introduced by: Representatives Feinstein and Deelstra and Senators Frerichs and
20 Cutler

21 A JOINT RESOLUTION, Proposing and submitting to the electors at the next general
22 election an amendment to Article III, section 6 of the Constitution of the State of South Dakota,
23 relating to four-year legislative terms and term limits.

24 Was read the first time and referred to the Committee on State Affairs.

25 HJR 1009 Introduced by: Representatives Wick, Bolin, Brunner, Cronin, Deelstra, Haggar,
26 Hansen (Jon), Hickey, Hoffman, Hunt, Jensen, Kirkeby, Kopp, Lust, Miller, Moser,
27 Munsterman, Nelson (Stace), Novstrup (David), Rausch, Romkema, Russell, Scott, Sly, Steele,
28 Stricherz, Tulson, Turbiville, Van Gerpen, Venner, Verchio, White, and Willadsen and Senators
29 Novstrup (Al), Brown, Gray, Haverly, Holien, Johnston, Juhnke, Kraus, Maher, Olson (Russell),
30 Peters, Putnam, Rhoden, and Tieszen

1 A JOINT RESOLUTION, Requesting appropriate action by the Congress, either acting by
2 consent of two-thirds of both houses thereof or, upon the application of the legislatures of two-
3 thirds of the several states, calling a constitutional convention therefor to propose an amendment
4 to the Constitution of the United States to require, with certain exceptions, that the total of all
5 federal appropriations may not exceed the total of all estimated federal revenues in any fiscal
6 year.

7 Was read the first time and referred to the Committee on State Affairs.

8 HJR 1010 Introduced by: Representatives Venner and Jensen

9 A JOINT RESOLUTION, Proposing and submitting to the electors at the next general
10 election an amendment to Article III, section 12 of the Constitution of the State of South
11 Dakota, relating to legislative qualifications.

12 Was read the first time and referred to the Committee on State Affairs.

13 **FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS**

14 SB 15: FOR AN ACT ENTITLED, An Act to revise certain provisions related to the
15 treatment of persons with mental illness, including consent to treatment.

16 Was read the first time and referred to the Committee on Health and Human Services.

17 SB 16: FOR AN ACT ENTITLED, An Act to define a final stage manufacturer dealer and
18 to provide for licensing of final stage manufacturer dealers.

19 Was read the first time and referred to the Committee on Transportation.

20 SB 17: FOR AN ACT ENTITLED, An Act to require certain fuel tax returns and reports
21 to be filed by electronic means and to require certain fuel taxes to be remitted by electronic
22 transfer.

23 Was read the first time and referred to the Committee on Transportation.

24 SB 20: FOR AN ACT ENTITLED, An Act to allow returns and return information to be
25 disclosed to officers, employees, and legal representatives of the Office of the Attorney General
26 and other state agencies and departments.

27 Was read the first time and referred to the Committee on Taxation.

SB 30: FOR AN ACT ENTITLED, An Act to allow for the development of an alternative benefit enhancement methodology within the South Dakota Retirement System.

Was read the first time and referred to the Committee on Retirement Laws.

SB 39: FOR AN ACT ENTITLED, An Act to expand the definition of victim for the purposes of certain written victim impact statements.

Was read the first time and referred to the Committee on Judiciary.

SB 41: FOR AN ACT ENTITLED, An Act to authorize retailers to choose whether to submit pseudoephedrine purchase records electronically or in writing.

Was read the first time and referred to the Committee on Judiciary.

SB 43: FOR AN ACT ENTITLED, An Act to criminalize the failure to report the death or disappearance of a child within a specified time by certain persons responsible for the care of the child.

Was read the first time and referred to the Committee on Judiciary.

SECOND READING OF CONSENT CALENDAR ITEMS

HB 1071: FOR AN ACT ENTITLED, An Act to increase the benefits that the Insurance Guarantee Association may become obligated to cover for annuities.

Was read the second time.

The question being "Shall HB 1071 pass?"

And the roll being called:

Yeas 67, Nays 0, Excused 3, Absent 0

Yeas:

Abdallah; Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert; Dryden; Elliott; Fargen; Feickert; Feinstein; Gibson; Gosch; Greenfield; Haggar; Hansen (Jon); Hawley; Hickey; Hoffman; Hubbel; Hunhoff (Bernie); Hunt; Iron Cloud III; Jensen; Jones; Killer; Kirkeby; Kirschman; Kloucek; Kopp; Liss; Lucas; Lust; Magstadt; Miller; Moser; Munsterman; Nelson (Stace); Olson (Betty); Perry; Romkema; Rozum; Russell; Schaefer; Schrempp; Scott; Sigdestad; Sly; Solum; Steele; Street; Stricherz; Tornow; Tulson; Turbiville; Van Gerpen; Venner; Verchio; Wick; Willadsen; Wink; Wismer; Speaker Rausch

1 Excused:
2 Novstrup (David); Vanneman; White

3 So the bill having received an affirmative vote of a majority of the members-elect, the
4 Speaker declared the bill passed and the title was agreed to.

5 HB 1097: FOR AN ACT ENTITLED, An Act to revise certain provisions regulating the
6 investment of unneeded state operating expenses in banks.

7 Was read the second time.

8 The question being "Shall HB 1097 pass?"

9 And the roll being called:

10 Yeas 67, Nays 0, Excused 3, Absent 0

11 Yeas:
12 Abdallah; Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert;
13 Dryden; Elliott; Fargen; Feickert; Feinstein; Gibson; Gosch; Greenfield; Haggar; Hansen (Jon);
14 Hawley; Hickey; Hoffman; Hubbel; Hunhoff (Bernie); Hunt; Iron Cloud III; Jensen; Jones;
15 Killer; Kirkeby; Kirschman; Kloucek; Kopp; Liss; Lucas; Lust; Magstadt; Miller; Moser;
16 Munsterman; Nelson (Stace); Olson (Betty); Perry; Romkema; Rozum; Russell; Schaefer;
17 Schrempp; Scott; Sigdestad; Sly; Solum; Steele; Street; Stricherz; Tornow; Tulson; Turbiville;
18 Van Gerpen; Venner; Verchio; Wick; Willadsen; Wink; Wismer; Speaker Rausch

19 Excused:
20 Novstrup (David); Vanneman; White

21 So the bill having received an affirmative vote of a majority of the members-elect, the
22 Speaker declared the bill passed and the title was agreed to.

23 SB 12: FOR AN ACT ENTITLED, An Act to codify the legislation enacted in 2011.

24 Was read the second time.

25 The question being "Shall SB 12 pass?"

26 And the roll being called:

27 Yeas 67, Nays 0, Excused 3, Absent 0

1 Yeas:

2 Abdallah; Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert;
3 Dryden; Elliott; Fargen; Feickert; Feinstein; Gibson; Gosch; Greenfield; Haggar; Hansen (Jon);
4 Hawley; Hickey; Hoffman; Hubbel; Hunhoff (Bernie); Hunt; Iron Cloud III; Jensen; Jones;
5 Killer; Kirkeby; Kirschman; Kloucek; Kopp; Liss; Lucas; Lust; Magstadt; Miller; Moser;
6 Munsterman; Nelson (Stace); Olson (Betty); Perry; Romkema; Rozum; Russell; Schaefer;
7 Schrempp; Scott; Sigdestad; Sly; Solum; Steele; Street; Stricherz; Tornow; Tulson; Turbiville;
8 Van Gerpen; Venner; Verchio; Wick; Willadsen; Wink; Wismer; Speaker Rausch

9 Excused:

10 Novstrup (David); Vanneman; White

11 So the bill having received an affirmative vote of a majority of the members-elect, the
12 Speaker declared the bill passed and the title was agreed to.

13 **SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

14 Rep. Tornow moved that HB 1046 be placed to follow HB 1119 on today's calendar.

15 Which motion prevailed.

16 HB 1009: FOR AN ACT ENTITLED, An Act to repeal certain provisions relating to
17 licenses issued by the Board of Pharmacy.

18 Having had its second reading was up for consideration and final passage.

19 The question being "Shall HB 1009 pass?"

20 And the roll being called:

21 Yeas 67, Nays 0, Excused 3, Absent 0

22 Yeas:

23 Abdallah; Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert;
24 Dryden; Elliott; Fargen; Feickert; Feinstein; Gibson; Gosch; Greenfield; Haggar; Hansen (Jon);
25 Hawley; Hickey; Hoffman; Hubbel; Hunhoff (Bernie); Hunt; Iron Cloud III; Jensen; Jones;
26 Killer; Kirkeby; Kirschman; Kloucek; Kopp; Liss; Lucas; Lust; Magstadt; Miller; Moser;
27 Munsterman; Nelson (Stace); Olson (Betty); Perry; Romkema; Rozum; Russell; Schaefer;
28 Schrempp; Scott; Sigdestad; Sly; Solum; Steele; Street; Stricherz; Tornow; Tulson; Turbiville;
29 Van Gerpen; Venner; Verchio; Wick; Willadsen; Wink; Wismer; Speaker Rausch

30 Excused:

31 Novstrup (David); Vanneman; White

1 So the bill having received an affirmative vote of a majority of the members-elect, the
2 Speaker declared the bill passed and the title was agreed to.

3 HB 1055: FOR AN ACT ENTITLED, An Act to allow for joint physical custody orders
4 after a court awards joint legal custody if in the best interest of the child.

5 Was read the second time.

6 The question being "Shall HB 1055 pass?"

7 And the roll being called:

8 Yeas 58, Nays 9, Excused 3, Absent 0

9 Yeas:

10 Abdallah; Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert;
11 Dryden; Elliott; Fargen; Feickert; Feinstein; Gibson; Gosch; Haggar; Hansen (Jon); Hawley;
12 Hickey; Hoffman; Hubbel; Hunhoff (Bernie); Hunt; Iron Cloud III; Jones; Killer; Kirkeby;
13 Kirschman; Kloucek; Kopp; Lucas; Lust; Magstadt; Miller; Moser; Munsterman; Olson (Betty);
14 Perry; Romkema; Rozum; Schaefer; Schrempp; Scott; Sigdestad; Sly; Solum; Street; Stricherz;
15 Tulson; Turbiville; Van Gerpen; Wick; Willadsen; Wink; Wismer; Speaker Rausch

16 Nays:

17 Greenfield; Jensen; Liss; Nelson (Stace); Russell; Steele; Tornow; Venner; Verchio

18 Excused:

19 Novstrup (David); Vanneman; White

20 So the bill having received an affirmative vote of a majority of the members-elect, the
21 Speaker declared the bill passed and the title was agreed to.

22 HB 1065: FOR AN ACT ENTITLED, An Act to repeal the requirement that the Unified
23 Judicial System set forth a schedule for all fees paid directly to court reporters in its annual
24 consolidated budget.

25 Was read the second time.

26 The question being "Shall HB 1065 pass?"

27 And the roll being called:

28 Yeas 66, Nays 1, Excused 3, Absent 0

1 Yeas:

2 Abdallah; Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert;
3 Dryden; Elliott; Fargen; Feickert; Feinstein; Gibson; Gosch; Greenfield; Haggar; Hansen (Jon);
4 Hawley; Hickey; Hoffman; Hubbel; Hunhoff (Bernie); Hunt; Iron Cloud III; Jensen; Jones;
5 Killer; Kirkeby; Kirschman; Kloucek; Kopp; Liss; Lucas; Lust; Magstadt; Miller; Moser;
6 Munsterman; Nelson (Stace); Olson (Betty); Perry; Romkema; Rozum; Schaefer; Schrempp;
7 Scott; Sigdestad; Sly; Solum; Steele; Street; Stricherz; Tornow; Tulson; Turbiville; Van Gerpen;
8 Venner; Verchio; Wick; Willadsen; Wink; Wismer; Speaker Rausch

9 Nays:

10 Russell

11 Excused:

12 Novstrup (David); Vanneman; White

13 So the bill having received an affirmative vote of a majority of the members-elect, the
14 Speaker declared the bill passed and the title was agreed to.

15 HB 1095: FOR AN ACT ENTITLED, An Act to revise the procedure for the discharge of
16 civil judgments against a person who has received a discharge of debt pursuant to the United
17 States Code, Title 11.

18 Was read the second time.

19 The question being "Shall HB 1095 pass?"

20 And the roll being called:

21 Yeas 67, Nays 0, Excused 3, Absent 0

22 Yeas:

23 Abdallah; Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert;
24 Dryden; Elliott; Fargen; Feickert; Feinstein; Gibson; Gosch; Greenfield; Haggar; Hansen (Jon);
25 Hawley; Hickey; Hoffman; Hubbel; Hunhoff (Bernie); Hunt; Iron Cloud III; Jensen; Jones;
26 Killer; Kirkeby; Kirschman; Kloucek; Kopp; Liss; Lucas; Lust; Magstadt; Miller; Moser;
27 Munsterman; Nelson (Stace); Olson (Betty); Perry; Romkema; Rozum; Russell; Schaefer;
28 Schrempp; Scott; Sigdestad; Sly; Solum; Steele; Street; Stricherz; Tornow; Tulson; Turbiville;
29 Van Gerpen; Venner; Verchio; Wick; Willadsen; Wink; Wismer; Speaker Rausch

30 Excused:

31 Novstrup (David); Vanneman; White

32 So the bill having received an affirmative vote of a majority of the members-elect, the
33 Speaker declared the bill passed and the title was agreed to.

1 HB 1096: FOR AN ACT ENTITLED, An Act to specify the venue for certain appeals
2 involving home-rule municipalities.

3 Was read the second time.

4 The question being "Shall HB 1096 pass?"

5 And the roll being called:

6 Yeas 67, Nays 0, Excused 3, Absent 0

7 Yeas:

8 Abdallah; Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert;
9 Dryden; Elliott; Fargen; Feickert; Feinstein; Gibson; Gosch; Greenfield; Haggar; Hansen (Jon);
10 Hawley; Hickey; Hoffman; Hubbel; Hunhoff (Bernie); Hunt; Iron Cloud III; Jensen; Jones;
11 Killer; Kirkeby; Kirschman; Kloucek; Kopp; Liss; Lucas; Lust; Magstadt; Miller; Moser;
12 Munsterman; Nelson (Stace); Olson (Betty); Perry; Romkema; Rozum; Russell; Schaefer;
13 Schrempp; Scott; Sigdestad; Sly; Solum; Steele; Street; Stricherz; Tornow; Tulson; Turbiville;
14 Van Gerpen; Venner; Verchio; Wick; Willadsen; Wink; Wismer; Speaker Rausch

15 Excused:

16 Novstrup (David); Vanneman; White

17 So the bill having received an affirmative vote of a majority of the members-elect, the
18 Speaker declared the bill passed and the title was agreed to.

19 HB 1112: FOR AN ACT ENTITLED, An Act to prohibit any person who fails to file
20 certain campaign finance documents to be a candidate for office.

21 Was read the second time.

22 Rep. Hansen moved that HB 1112 be deferred to Monday, January 30, the 11th legislative
23 day.

24 Which motion prevailed.

25 HB 1079: FOR AN ACT ENTITLED, An Act to revise certain publication date citations
26 for references to the International Building Code.

27 Was read the second time.

28 The question being "Shall HB 1079 pass?"

29 And the roll being called:

1 Yeas 62, Nays 5, Excused 3, Absent 0

2 Yeas:

3 Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert; Dryden;
4 Elliott; Fargen; Feickert; Feinstein; Gibson; Gosch; Greenfield; Haggar; Hansen (Jon); Hawley;
5 Hickey; Hoffman; Hunhoff (Bernie); Iron Cloud III; Jensen; Jones; Killer; Kirkeby; Kirschman;
6 Kloucek; Kopp; Liss; Lucas; Lust; Magstadt; Moser; Munsterman; Olson (Betty); Perry;
7 Romkema; Rozum; Russell; Schaefer; Schrempp; Scott; Sigdestad; Sly; Solum; Steele; Street;
8 Stricherz; Tornow; Tulson; Turbiville; Van Gerpen; Venner; Verchio; Wick; Willadsen; Wink;
9 Wismer; Speaker Rausch

10 Nays:

11 Abdallah; Hubbel; Hunt; Miller; Nelson (Stace)

12 Excused:

13 Novstrup (David); Vanneman; White

14 So the bill having received an affirmative vote of a majority of the members-elect, the
15 Speaker declared the bill passed and the title was agreed to.

16 HB 1119: FOR AN ACT ENTITLED, An Act to revise certain provisions concerning
17 mechanical pull-tab devices.

18 Was read the second time.

19 The question being "Shall HB 1119 pass?"

20 And the roll being called:

21 Yeas 67, Nays 0, Excused 3, Absent 0

22 Yeas:

23 Abdallah; Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert;
24 Dryden; Elliott; Fargen; Feickert; Feinstein; Gibson; Gosch; Greenfield; Haggar; Hansen (Jon);
25 Hawley; Hickey; Hoffman; Hubbel; Hunhoff (Bernie); Hunt; Iron Cloud III; Jensen; Jones;
26 Killer; Kirkeby; Kirschman; Kloucek; Kopp; Liss; Lucas; Lust; Magstadt; Miller; Moser;
27 Munsterman; Nelson (Stace); Olson (Betty); Perry; Romkema; Rozum; Russell; Schaefer;
28 Schrempp; Scott; Sigdestad; Sly; Solum; Steele; Street; Stricherz; Tornow; Tulson; Turbiville;
29 Van Gerpen; Venner; Verchio; Wick; Willadsen; Wink; Wismer; Speaker Rausch

30 Excused:

31 Novstrup (David); Vanneman; White

32 So the bill having received an affirmative vote of a majority of the members-elect, the
33 Speaker declared the bill passed and the title was agreed to.

1 HB 1046: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding child
2 custody during a soldier's deployment.

3 Having had its second reading was up for consideration and final passage.

4 1046ja

5 Rep. Tornow moved that HB 1046 be amended as follows:

6 On page 2, line 4, of the House Judiciary Committee engrossed bill, after "substantial"
7 insert "and material".

8 On page 2, line 5, delete "circumstance" and insert "circumstances".

9 On page 2, delete lines 16 to 18, inclusive, and insert "prior to the deployment. However,
10 if upon return from deployment the servicemember exhibits a substantial and material change
11 in circumstances which adversely affects the servicemember's ability to adequately care for the
12 child, the best interests of the child shall be determinative.".

13 Which motion prevailed.

14 The question being "Shall HB 1046 pass as amended?"

15 And the roll being called:

16 Yeas 67, Nays 0, Excused 3, Absent 0

17 Yeas:

18 Abdallah; Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert;
19 Dryden; Elliott; Fargen; Feickert; Feinstein; Gibson; Gosch; Greenfield; Haggar; Hansen (Jon);
20 Hawley; Hickey; Hoffman; Hubbel; Hunhoff (Bernie); Hunt; Iron Cloud III; Jensen; Jones;
21 Killer; Kirkeby; Kirschman; Kloucek; Kopp; Liss; Lucas; Lust; Magstadt; Miller; Moser;
22 Munsterman; Nelson (Stace); Olson (Betty); Perry; Romkema; Rozum; Russell; Schaefer;
23 Schrempp; Scott; Sigdestad; Sly; Solum; Steele; Street; Stricherz; Tornow; Tulson; Turbiville;
24 Van Gerpen; Venner; Verchio; Wick; Willadsen; Wink; Wismer; Speaker Rausch

25 Excused:

26 Novstrup (David); Vanneman; White

27 So the bill having received an affirmative vote of a majority of the members-elect, the
28 Speaker declared the bill passed and the title was agreed to.

29 Rep. Turbiville moved that the House do now adjourn, which motion prevailed and at
30 3:07 p.m. the House adjourned.

31 Karen Gerdes, Chief Clerk